

Honorable August B. Landis  
United States Bankruptcy Judge



Entered on Docket  
July 09, 2014

CHRISTOPHER P. BURKE, ESQ.  
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Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In Re: ) BK-S-13-17911-ABL  
15 JEFFREY SCOTT BEAUCHAMP, and ) Chapter 13  
16 LAUREN MICHELLE BEAUCHAMP, )  
17 Debtor(s). ) DATE: 6/19/14  
TIME: 3:00 P.M.

ORDER APPROVING MOTION TO VALUE COLLATERAL AND MODIFY  
(STRIP OFF) THE SECOND MORTGAGE OF NATIONSTAR MORTGAGE,  
LLC (ACCT. ENDING NO. 1893) FOR PROPERTY 9148 DUTCH OVEN CT.,  
LAS VEGAS, NV 89178 PURSUANT TO 11 U.S.C. §506 (a), §1322 AND  
OBJECTION TO SAID CLAIM PURSUANT TO F.R.B.P. 3007

Upon the reading and filing of Debtors, JEFFREY SCOTT and LAUREN MICHELLE BEAUCHAMP, ("Debtors" or "Beauchamp") Motion to Value Collateral and Modify (Strip Off) the Second Mortgage of Nationstar Mortgage, LLC (Acct. Ending No. 1893) for Property 9148 Dutch Oven Ct., Las Vegas, NV 89178 Pursuant to 11 U.S.C. §506(a), §1322 and Objection to Said Claim Pursuant to F.R.B.P. 3007, by and through their attorney, CHRISTOPHER P. BURKE, ESQ., and Nationstar Mortgage, LLC, ("Creditor" or "Nationstar") not opposing nor appearing, and based upon the papers and pleadings on

1 file herein, and good cause appearing: the Court finds as follows:

2       1. The Debtor's real property located at 9148 Dutch Oven Ct., Las Vegas, NV  
 3                   89178 ("Dutch Oven") is valued at \$195,302.00 as of the date of the Debtor  
 4                   Chapter 13 Petition.

5       2. Dutch Oven is collateral for a senior secured claim of Nationstar Mortgage  
 6                   ("Nationstar").

7                   **[Check only one box, and fill in blanks]**

8        Nationstar has filed a Proof of Claim [11-1] related to such claim, and  
 9                   such Proof of Claim claims a debt of \$[447,752.09]. Nationstar Proof  
 10                  of Claim indicates that Nationstar has assigned [#8804] to this claim.

11                  **[or]**

12        Senior has **not** filed a Proof of Claim related to its claim, but has  
 13                  assigned [account#] to this claim. The Debtor's schedules list the  
 14                  amount of Senior claims as \$[amount].

15       3. Dutch Oven is also collateral for a junior secured claim of Nationstar  
 16                  Mortgage ("Nationstar").

17        Nationstar has filed a Proof of Claim [9-1] related to such claim, and  
 18                  such Proof of Claim claims a debt of \$[203,557.16]. Junior Proof of  
 19                  Claim indicates that junior has assigned [#1893] to this claim.

20        Junior has **not** filed a Proof of Claim related to its claim, but has  
 21                  assigned [account#] to this claim. The Debtor schedules list the  
 22                  amount of junior claims as \$[amount].

23       4. Given the above Nationstar interest in the Debtor interest in Dutch Oven has  
 24                  no value.

25                  THEREFORE, IT IS HEREBY ORDERED, that pursuant to *Zimmer v. PSB Lending*  
 26                  Corp. (*In re Zimmer*), 313 F.3d 1220(9th Cir. 2002), and 11 U.S.C. §§506(d) and 506(d),

1 Nationstar claim is unsecured, and shall be treated as unsecured for all purposes in this  
2 case, including the manner in which such claim is treated and paid in Debtor Chapter 13  
3 plan; and

4 IT IS FURTHER ORDERED that should Debtors receive a discharge in this case,  
5 Nationstar, shall as soon as practicable thereafter take all necessary and appropriate steps  
6 to remove its lien of record, and to ensure that Debtors title to Dutch Oven is clear of any  
7 cloud on titled related to Nationstar claim. This court hereby reserves jurisdiction with  
8 respect to any dispute over the actions necessary to comply with this paragraph; and

9 IT IS FURTHER ORDERED that should this case be converted to one under another  
10 chapter, 11 U.S.C. §348(f) shall govern the continued validity of this order; and

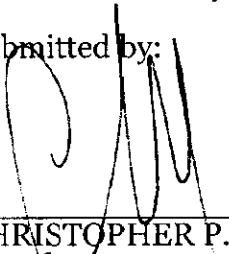
11 IT IS FURTHER ORDERED that should this case be dismissed, 11 U.S.C.  
12 §349(b)(1)-(3) shall govern the continuing validity of this order; and

13 IT IS FURTHER ORDERED that nothing in this order shall be deemed to be an  
14 allowance or disallowance of any claim of Nationstar Mortgage, LLC., and Nationstar  
15 Mortgage, LLC, and any party in interest, including the Debtors or the Trustee, may  
16 hereafter object to either claim on any ground recognized by the Bankruptcy Code.

17 **IT IS SO ORDERED.**

18 Dated this      day of July, 2014.

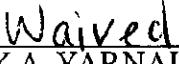
19 Submitted by:

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22 CHRISTOPHER P. BURKE, ESQ.  
23 Nevada Bar No. 004093  
24 218 S. Maryland Pkwy.  
25 Las Vegas, NV 89101  
26 (702) 385-7987  
27 Attorney for Debtor(s)

Approved/Disapproved:

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29 RICK A. YARNALL  
30 Chapter 13 Trustee  
31 701 Bridger Ave. Suite# 820  
32 Las Vegas, NV 89101  
33 (702) 853-4500

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1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, counsel submitting this document certifies that the order  
3 accurately reflects the court's ruling and that (check one):

4  The court waived the requirement set forth in LR 9021 (b) (1).

5  No party appeared at the hearing or filed an objection to the motion.

6  I have delivered a copy of this proposed order to all counsel who appeared at the hearing,  
7 and any unrepresented parties who appeared at the hearing, and each has approved or  
disapproved the order, or failed to respond, as indicated below [list each party and  
whether the party has approved, disapproved, or failed to respond to the document]:

8 RICK A. YARNALL  
701 Bridger Ave. #820  
9 Las Vegas, Nevada 89101  
Chapter 13 Trustee

10 **Waived**

11  I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order  
12 with the motion pursuant to LR 9014 (g), and that no party has objected to the form or  
content of the order.

14 Submitted by:

15 /S/ CHRISTOPHER P. BURKE, ESQ.  
16 CHRISTOPHER P. BURKE, ESQ.  
17 Attorney for Debtor

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